

FREQUENTLY ASKED QUESTIONS

1. What action is the Service proposing?

The Service is publishing a proposed rule to list four South Florida plants under the Endangered Species Act. Big Pine partridge pea, wedge spurge, and sand flax are proposed for endangered status. Blodgett's silverbrush is proposed for threatened status.

2. Why is the Service proposing these actions?

The Service has determined that each of these plants is currently at risk throughout all of their range, primarily due to habitat loss and modification. Sea level rise is also a concern. Impacts from various threats are ongoing and increasing, and place the four plants in danger of extinction. The risk of extinction is high because the populations are small, are isolated and have limited to no potential for recolonization.

The Blodgett's silverbush is being proposed for threatened status because it occupies a wider array of habitats than the other three plants that are being proposed as endangered. The silverbush also has a relatively large secure population within Everglades National Park.

The proposal for these plants allows us to gather public comments that will help us make the final decision whether to list these plants.

3. Is a critical habitat designation for these plants part of this proposal?

No, but critical habitat will be proposed later in a separate action. A draft economic analysis of the proposed designation is being prepared at the same time.

4. Can you describe each of these four plants?

The Big Pine Partridge pea is a shrub that grows up to about 32 inches tall, with yellow flowers and compound leaves--each leaf consists of a main stem with multiple leaflets. The fruit is shaped like a pod, similar to that of a pea. It's found in the pine rocklands of the lower Florida Keys and adjacent to disturbed sites, including roadsides.

The wedge spurge is a small perennial herb. Its stems are slender and numerous. Its leaves are triangular and covered with fine short fuzz, giving the plant a silvery appearance. The spurge occurs in pine rocklands and disturbed sites on Big Pine Key, including roadsides.

The sand flax is a small perennial herb that grows up to 21 inches tall. It has yellow flowers that are similar in appearance to a buttercup. When not in flower, it resembles a short, wiry grass. This species can be found in pine rockland, disturbed pine rockland, dry marl prairie and disturbed areas on rocky soils near these habitats. The current range

of this species consists of eight populations in Miami-Dade County and four populations in the Florida Keys.

The Blodgett's silverbush is an erect perennial shrub or herb that grows up to 24 inches tall. It has a woody base and green, small flowers. The stems and leaves are covered with small hairs. This species grows in pine rockland, in sunny gaps or edges of rockland hammock, coastal berm and on roadsides. It's currently known to exist from central Miami-Dade County from Coral Gables and southern Miami-Dade County to Long Pine Key in Everglades National Park and the Florida Keys from nine islands, from Windley Key southwest to Boca Chica Key.

5. We understand these are all candidate species. What does that mean and when were they listed as candidates?

Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them as endangered or threatened under the Act, but such action is precluded by other higher priority listing activities. All four were first recognized as candidate species on September 27, 1985 (50 FR 39526).

6. What criteria did the Service use to determine if these plants should be listed under the Endangered Species Act?

Under the Act, we can determine that a species is endangered or threatened based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. We have determined that the threats to these four plants consists primarily of habitat loss and modification through urban and agricultural development, and lack of adequate fire management (Factor A); proliferation of nonnative invasive plants, random events, such as hurricanes and storm surges, maintenance practices used on roadsides and disturbed sites, and sea level rise (Factor E); and the inadequacy of existing regulations to reduce these threats (Factor D).

In addition, the populations of these four plants have declined about 80 percent over the past two decades.

7. What's the public's role in this process?

The Service highly values public input into the listing process. We're hoping to receive valuable scientific information from citizens, scientific communities and other interested parties. We are particularly interesting in comments concerning: the four plants' biology, range, and population trends; factors that may affect the continued existence of these plants; biological, commercial trade or other relevant data concerning any threats to these plants and existing regulations that may be addressing those threats; current or planned

activities in the areas occupied by these plants; and/or additional information concerning the biological or ecological requirements of these plants, including pollination and pollinators.

8. What happens after the public comment period is closed?

Once the 60-day public comment period is closed, we'll review all of the comments and use them to make a final determination.

In our final rulemaking, we analyze information received in public comments and testimony. Within one year of a listing proposal, we may: publish a final listing rule, as originally proposed or later revised, because the best available biological data support it; withdraw the proposal because the biological information does not support the listing; or extend the proposal if there is substantial disagreement within the scientific community concerning the biological appropriateness of the listing. After a six-month extension, we are required to make a decision on the basis of the best scientific information available.

9. What would Endangered Species Act listing mean for these four plants?

Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. The plants also are protected from commercial trade.

These plants are listed on the State of Florida's Regulated Plant Index as endangered. This listing provides little or no habitat protection beyond the State's development of a regional impact process, which discloses impacts from projects, but provides no regulatory protection for state-listed plants on private lands.

10. Are some plant populations on private land? If so, what would the listing of these four plants mean for a private landowner?

Yes, some of the plants are on private land. Unless the private property owner modifies his property in some way that requires a federal permit or federal funding, there would not be any impact to the land-owner under federal law. However, any local and/or state laws that apply to these plants may still apply.

11. How does the fact that some of these species are found within the Richmond Pine Rockland area of Miami affect the Coral Reef Commons and Miami Wilds construction projects?

It is not prohibited by the Act to destroy, damage or move protected plants unless such activities involve an endangered or threatened species on federal land, are federally funded, require a federal permit, or occur in violation of state laws. If a person wishes to develop private land, with no federal jurisdiction involved, in accordance with state law, then the potential destruction, damage, or movement of endangered or threatened plants does not violate the Act. The Act does make it illegal to engage in interstate or foreign commerce or import or export federally-listed plants; attempt to commit these acts, cause

them to be committed, or solicit another to commit them. Otherwise, there are no other implications for private landowners.

Plants are the property of the landowner where they grow. It is our hope that landowners would be good stewards of any federally-listed plants on their property. The Service has a program, Partners for Fish and Wildlife, which provides landowners with technical and financial assistance to manage their property to conserve native habitats such as those that support these species. Some of the activities intended to conserve native habitats include burning, invasive species control, and seeding`.